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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,878	07/12/2001	Behzad Mohebbi	FUJL 18.592	7460

26304 7590 08/11/2006  
KATTEN MUCHIN ROSENMAN LLP  
575 MADISON AVENUE  
NEW YORK, NY 10022-2585

EXAMINER
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PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/807,878

Applicant(s)

MOHEBBI, BEHZAD

Examiner

Huy Q. Phan

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 31-64 is/are pending in the application.
- 4a) Of the above claim(s) 31-43, 48-62 and 64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-47 and 63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Response to Amendment**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

2. This Office Action is in response to Amendment filed on date: 07/18/2006.

Claims 31-64 are still pending.

Claims 31-43, 48-62 and 64 are withdrawn.

### **Response to Arguments**

3. Applicant's arguments, see remarks, filed on 07/18/2005, with respect to the rejection(s) of claim(s) 44-47 and 63 have been fully considered but they are not persuasive.

a) Applicant argued that Yamashita does not suggest "the mobile station receiving call setup information" (see REMARKS page 2). Examiner respectfully disagrees. Yamashita teaches "when the mobile station 16 is present in the radio area of the macro cell radio base station 11, since the field intensity of the control channel of the macro cell radio base station 11 is the strongest, the mobile station 16 receives this control channel. The mobile station starts performing the communication initiating process corresponding to the system information received through the control channel",

(see col. 5, lines 32-39). Thus, Yamashita does suggest "the mobile station receiving call setup information".

b) Applicant argued that "the reference does not indicate that there is any call setup or allocated uplink and downlink channels" (see REMARKS page 3). Examiner respectfully disagrees, since Yamashita discloses "The system information received from the macro cell radio base station 11 contains information representing that the radio base station is a radio base station that forms a macro cell... The system information also contains information representing available channels to which the current channel can be switched (for both macro cell radio base stations and micro cell radio base stations)" see col. 5, lines 40-50).

c) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the stored frequency information is used for the handover, see REMARKS page 3) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With all the reasons stated above, the rejection is deemed proper and still stands.

### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 44-47 and 63 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamashita (US-6,256,500).

Regarding claim 44, Yamashita discloses a mobile station (fig. 1, MS 16), for use in a cellular communications network (fig. 1 and its description), comprising:

a call setup information receiving portion, operable in a call setup process for setting up a call between the network and the mobile station (described as “when the mobile station 16 is present in the radio area of the macro cell radio base station 11, since the field intensity of the control channel of the macro cell radio base station 11 is the strongest, the mobile station 16 receives this control channel. The mobile station starts performing the communication initiating process corresponding to the system information received through the control channel”, see col. 5, lines 32-39), to receive from a first base transceiver station of the network call setup information for use by the mobile station to allocate respective uplink and downlink channels between the mobile station and at least one further base transceiver station of the network (described as “The system information received from the macro cell radio base station 11 contains information representing that the radio base station is a radio base station that forms a macro cell... The system information also contains information representing available

Art Unit: 2617

channels to which the current channel can be switched (for both macro cell radio base stations and micro cell radio base stations)” see col. 5, lines 40-50);

a call setup information storage portion which stores the received call setup information (described as “The mobile station 16 temporarily stores the received system information in a memory” see col. 5, lines 55-56); and

a hand-off control portion operable initially, following completion of said call setup process, to cause the mobile station to communicate with said first base transceiver station and operable when, during the course of the call it is determined that the mobile station should communicate with the, or one of the, further base transceiver stations (described as “when the field intensity of the channel on which the mobile station 16 is communicating with the macro cell radio base station 12 drops to a predetermined value or less, the mobile station 16 measures the field intensities of control channels of the adjacent micro cells to which the mobile station 16 will move corresponding to the system information stored in the memory”, see col. 7, lines 52-59), to employ the stored call setup information received in the call setup process to activate said uplink and downlink channels between the mobile station and that further base transceiver station (described as “the mobile station 16 measures the field intensities of control channels of the adjacent micro cells to which the mobile station 16 will move corresponding to the system information stored in the memory. The mobile station 16 determines that the micro cell radio base station 14 that is sending a control channel with the strongest field intensity as a radio base station to which the mobile station will move... selects an

Art Unit: 2617

optimum channel for communicating with the micro cell radio base station 14" (see col. 7, line 55-col. 8, line 2).

Regarding claim 45, Yamashita discloses the mobile station as claimed in claim 44, further comprising: a monitoring portion which produces a signal measure for said first base transceiver station and for the or each further base transceiver station, which signal measure serves to indicate the performance of a communications channel between the mobile station and the base transceiver station concerned (see col. 7, line 53-col. 8, line 6).

Regarding claim 46, Yamashita discloses the mobile station as claimed in claim 45, further comprising a base transceiver station selection portion which determines, in dependence upon said signal measures, with which of the base transceiver stations the mobile station should communicate (see col. 7, line 53-col. 8, line 6).

Regarding claim 47, Yamashita discloses the mobile station as claimed in claim 46, wherein the mobile station further comprises: a message portion operable to include, in one or more uplink signals transmitted by the mobile station, an uplink control message identifying the or each determined base transceiver station (see col. 7, line 53-col. 8, line 6).

Regarding claim 63, Yamashita discloses a mobile station (fig. 1, MS 16), for use in a cellular communications network (fig. 1 and its description), comprising:

call setup information receiving means, operable in a call setup process for setting up a call between the network and the mobile station (described as “when the mobile station 16 is present in the radio area of the macro cell radio base station 11, since the field intensity of the control channel of the macro cell radio base station 11 is the strongest, the mobile station 16 receives this control channel. The mobile station starts performing the communication initiating process corresponding to the system information received through the control channel”, see col. 5, lines 32-39), to receive from a first base transceiver station of the network call setup information for use by the mobile station to allocate respective uplink and downlink channels between the mobile station and at least one further base transceiver station of the network (described as “The system information received from the macro cell radio base station 11 contains information representing that the radio base station is a radio base station that forms a macro cell... The system information also contains information representing available channels to which the current channel can be switched (for both macro cell radio base stations and micro cell radio base stations)” see col. 5, lines 40-50);

call setup information storage means for storing the received call setup information (described as “The mobile station 16 temporarily stores the received system information in a memory” see col. 5, lines 55-56); and

hand-off control means operable initially, following completion of said call setup process, to cause the mobile station to communicate with said first base transceiver



station and operable when, during the course of the call it is determined that the mobile station should communicate with the, or one of the, further base transceiver stations (described as "when the field intensity of the channel on which the mobile station 16 is communicating with the macro cell radio base station 12 drops to a predetermined value or less, the mobile station 16 measures the field intensities of control channels of the adjacent micro cells to which the mobile station 16 will move corresponding to the system information stored in the memory", see col. 7, lines 52-59), to employ the stored call setup information received in the call setup process to activate said uplink and downlink channels between the mobile station and that further base transceiver station (described as "the mobile station 16 measures the field intensities of control channels of the adjacent micro cells to which the mobile station 16 will move corresponding to the system information stored in the memory. The mobile station 16 determines that the micro cell radio base station 14 that is sending a control channel with the strongest field intensity as a radio base station to which the mobile station will move... selects an optimum channel for communicating with the micro cell radio base station 14" (see col. 7, line 55-col. 8, line 2).

### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

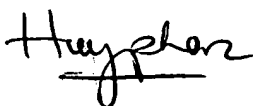
Art Unit: 2617

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

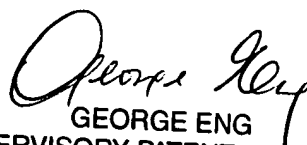
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Examiner: Phan, Huy Q.

AU: 2687

Date: 07/31/2006



GEORGE ENG  
SUPERVISORY PATENT EXAMINER